

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE

JENNIFER TAGHAVIDINANI,

Plaintiff,

v.

Civil No.

RIVERVIEW PSYCHIATRIC CENTER, a
division of the State of Maine, Department of
Health and Human Services, and

JAY HARPER, in his capacity as
Superintendent of Riverview Psychiatric
Center,

Defendants.

NOTICE OF REMOVAL

To: The Judges of the United States District Court for the District of Maine.

Defendants Riverview Psychiatric Center and Jay Harper, by and through counsel, hereby give notice of removal pursuant to 28 U.S.C. §§ 1441 and 1446 of a civil action commenced in the Superior Court of Maine, Kennebec County, styled *Jennifer Taghavidinani v. Riverview Psychiatric Center, a division of the State of Maine, Department of Health and Human Services, and Jay Harper, in his capacity as Superintendent of Riverview Psychiatric Center*, AUGSC-CV-2016-50. In support of removal, the Defendants respectfully state:

1. On April 5, 2016, Susan P. Herman, Assistant Attorney General, accepted service on behalf of the Defendants of the First Amended Complaint (“FAC”) in the civil action pending in the Superior Court. A copy of the FAC is attached hereto as Exhibit A.

2. The FAC has not been docketed as having been filed in the civil action pending in the Superior Court. *See* Declaration of Assistant Attorney General Valerie A. Wright and exhibits, filed herewith. The FAC appears to set forth the same counts, pursuant to the same statutes, as the original complaint filed in the Superior Court.

3. The FAC sets forth five counts against the Defendants. Count One alleges a claim for violation of the Maine Whistleblowers' Protection Act, 26 M.R.S. § 831, *et seq.* Count Two alleges a claim for violation of the Maine Human Rights Act, 5 M.R.S. § 4551, *et seq.* Count Three alleges a claim for violation of the Maine Human Rights Act and the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.* Count Four alleges a claim for violation of the Rehabilitation Act, 29 U.S.C. § 701, *et seq.* Count Five alleges a claim for violation of 42 U.S.C. § 1983 and the Constitution of the United States.

4. The United States District Court has original jurisdiction over Plaintiff's claims under 42 U.S.C. § 12101, *et seq.*, 29 U.S.C. § 701, *et seq.*, and 42 U.S.C. § 1983, each of which presents a federal question arising under the laws of the United States. 28 U.S.C. § 1331. The United States District Court has supplemental jurisdiction over the state law claims alleged in the FAC. 28 U.S.C. § 1367. Therefore, the Defendants may remove this action from the Maine Superior Court for Kennebec County to the United States District Court for the District of Maine pursuant to 28 U.S.C. §§ 1441(a), (c).

5. The Defendants filing this notice of removal, Riverview Psychiatric Center and Jay Harper, are the only Defendants named in this action.

6. The United States District Court for the District of Maine embraces the place within which this action is currently pending in the Superior Court. Plaintiff resides in Kennebec County, and the actions complained of took place in Kennebec County.

7. The Office of the Attorney General received copies of the FAC by mail on behalf of the Defendants on March 31, 2016. Thirty days have not expired since the Defendants' receipt of the FAC.

8. Pursuant to 28 U.S.C. § 1446, this notice of removal is timely filed within thirty days after the receipt by the Defendants, through service or otherwise, of the initial pleading setting forth the removable claims for relief.

9. Pursuant to 28 U.S.C. § 1446, the Defendants this day are sending a copy of the Notice of Removal to the Kennebec County Superior Court and to Plaintiff's counsel.

10. Accompanying this Notice of Removal is the Declaration of Assistant Attorney General ("AAG") Valerie A. Wright. Exhibits 1 through 3 of her Declaration are true copies of the docket record and all documents filed in the Kennebec County Superior Court in the case of *Jennifer Taghavidinani v. Riverview Psychiatric Center, a division of the State of Maine, Department of Health and Human Services, and Jay Harper, in his capacity as Superintendent of Riverview Psychiatric Center*, AUGSC-CV-2016-50.

Based on the foregoing, the Defendants hereby give notice of the removal of the civil action, *Jennifer Taghavidinani v. Riverview Psychiatric Center, a division of the State of Maine, Department of Health and Human Services, and Jay Harper, in his capacity as Superintendent of Riverview Psychiatric Center*, AUGSC-CV-2016-50, from the Maine Superior Court, Kennebec County, to the United States District Court for the District of Maine.

DATED: April 21, 2016

Respectfully submitted,

JANET T. MILLS
Attorney General

/s/ Valerie A. Wright
VALERIE A. WRIGHT
Assistant Attorney General
Office of the Attorney General
Six State House Station
Augusta, Maine 04333-0006
Tel. (207) 626-8800
Fax (207) 287-3145
Valerie.A.Wright@maine.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 21, I filed this Notice of Removal with attached Declaration and Exhibits, with the Clerk of the Court by electronic mail to “newcases.bangor@med.uscourts.gov” and caused copies to be sent by U.S. mail, first class to the Plaintiff’s counsel and the Kennebec County Superior Court at the following addresses:

Cynthia A. Dill
Troubh Heisler
P.O. Box 9711
Portland, ME 04104-5011

Michele Lumbert, Clerk
Kennebec County Superior Court
1 Court St., Suite 101
Augusta, ME 04330

/s/ Valerie A. Wright
VALERIE A. WRIGHT
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006
Tel. (207) 626-8800
Fax (207) 287-3145
Valerie.A.Wright@maine.gov